

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3130
	)	
v.	)	
	)	
MILTON SCURLOCK,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	

The defendant has moved for a 180-day continuance of the pretrial motion deadline currently set for January 19, 2011. Filing No.13. The motion states additional time is needed to gather and evaluate pertinent information, but does not explain why such a long continuance is needed. The government is not opposed to a 90-day continuance. The court has attempted to contact defense counsel numerous times by telephone and email to set up a conference call regarding this matter, all to no avail.

Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. 18), is granted in part. A 90-day continuance will be granted. Defendant's pretrial motions and briefs shall be filed on or before April 19, 2011.
- 2) The ends of justice served by continuing the pretrial motion deadline outweigh the interests of the public and the defendant in a speedy trial, and therefore the time between January 19, 2011 and April 19, 2011, shall be deemed excludable time in any computation of time under the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- 3) The trial of this case is continued pending resolution of any pretrial motions filed.

DATED this 14<sup>th</sup> day of January, 2011.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge